Amendments to Agenda for March 6, 2006

II. Public Hearing

C. Public Hearing on Unnamed Industry

Pages 1 - 3

VII. New Business

Pages 4 - 6

H. Repeal of House Bills 444 Chapter 263 and HP 729 Chapter 313

IX. Old Business

A. Interlocal Agreement regarding Grant Funding from Water and Sewer Fund Pages 7 - 15

B. Lease Agreement with Youth Empowerment

At the February Commissioners meeting a lease for Youth Empowerment was approved beginning February 15. The actual move was closer to March 1. Youth Empowerment has requested to pay rent on the Davis Street building through February and make the lease effective March 1. This is recommended for your approval.



	Economic Development Incentives for Prol	Jevelopme Smehrano	nt hoenfives ints	for Proles	ed First Choice from Rutherford County and the Town of Spindale	e from Ruth	erford C	ounty and	the Town	olSpindal	
							2 U.S. 24 CONT. 250		STANT AMUUNTS		TAXES DUE
	Current lax	Added Tax	Total Value	Rutherford	Spindala Tarin	Г		Grant Amount	Imount	Grant Totals	
-	Value (Blog &	Base		County	of \$0 54/6400	-	Grant %	Rutherford	Spindale,	Rutherford Co Taxes Paid	Taxes Paid
	Land)			\$0.62/\$100		Spindale		County	Town of	& Town of	by Company
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, Jee ,	\$2,234,700.00	\$0.00	\$2,234,700.00	\$13,855,14	\$11,396.97	\$20,252.71 \$26.252.44	8	\$12,469.63	\$10,257.27	\$22,726.90	\$2,525.21
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7	\$2,234,700.00	\$0.00	\$2,234,700.00	\$13,855.14	\$11,396.97	\$25,202,11	3.6	\$6,927.57	\$5,698,49	\$12,628,08	\$12,626.06
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		\$1,157,500.00		\$133,293.80	\$109,644.90	\$242 938 70	30	- 1	\$1,139.70	\$2,525.21	\$22,726.90
								\$8,655,95	\$81,152,48	\$179,BUB.43	\$63,130,28
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ote: The grant amounts may vary due to appreciation/depreciation of building and land. The grants will be figured using the percentage stated above,

First Choice Armor and Equipment, Inc. Projected Payroll Years 1-3

		WAR I			YEAR 2			YEARS	
POSITIONS	PMPLOYE'S	AND STATES	TOTAL	EMPLOYEES	TOTAL STATES	SESTING .	EW 0/658	WESHLY. PATE	POINT PAGEN
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racillies Manager	-	560.00	260.00	4	588.00	588.00	•	617.40	617.40
Quality Control Manager	-	400.00	400.00	~	420.00	420.00	· v-	441 00	25.45
Quality Control Inspector	~	400.00	400.00	73	420.00	840.00	٠ ٣٦	441.00	4 323 00
Warehouse Manager	*-	450.00	450.00	-	472.50	472.50	, 4	496 13	1,323.00
Shipper/Receiver	m	340.00	1,020.00	4	357.00	1.428.00	· 40	374 85	2 240 10
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CAD Operators	•	400.00	400.00	8	420.00	840.00	- 6 4	200.00	000.30
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Designer/Patient Maker	 ,	600.00	600.00	* ~~	630.00	630.00	-	661.50	661.50
Sulching Room Manager		550.00	220,00		577.50	577.50	4	608.38	606.38
Sulchers	100	280.00	28,000.00	200	294.00	58,800.00	300	308.70	92.640.00
Utility Persons	ıc.	340.00	1,700.00	40	357.00	3,570.00	2	374.85	5 522 75
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Staging Department Manager	τ-	420.00	420.00		441.00	441.00	4	463.05	463.05
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348.55

Average Weekly Rate: \$

340,13

Average Weekly Rate: \$

Average Weekly Rate: \$

First Choice Armor and Equipment, Inc. Equipment Years 1-3

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Note: Numbers represent cumulative totals in each year.

pge 1 of 1

Hazel Haynes

From: Danny Searcy [dsear@blueridge.net]

Sent: Thursday, March 02, 2006 9:07 AM

To: 'John Condrey'

Cc: 'Hazel Haynes'; howen@blueridge.net

Subject: Replacement Document

Good Morning Sir,

I have had some brief discussion with Chairman Steve Wright and Mr. Woody Harton our community development assistance about the two local bills that the Planning Commission recommends be repealed. During this discussion I have been made aware that a total Repeal of both bills is desirable. Mr. Harton advised that because the County Subdivision Ordinance addresses the Minor Subdivision there is NO need to have this as exemption language in a local bill. Therefore a total repeal would place the county in total conformance with the stipulations stated for North Carolina.

That being said, I respectfully request that you please replace the document which requests the repeal with this attached document. This new document is still a request to repeal the local bills, but it is much simpler, and requests a total repeal instead of a revision.

Sincerely,

Danny Searcy

County Planner Rutherford County dsear@blueridge.net 828-287-6495 fax:287-6338

March 2, 2006

Rutherford County Commissioners

Dear Board of County Commissioners:

The County Planning Commission has taken action to forward this recommendation to you BEFORE this year's session of General Assembly. The request is to have House Bill(s) 444 Chapter 263 and HB 729 Chapter 313 to be repealed. Both of these local bills are an amendment to GS 153A-335 (See Attached) in relation to the subdivision of land.

The language for these two chapters are attached, however in summary Chapter 263 is a local bill stating that Rutherford County will regulate ALL subdivisions to include the division of land into parcels greater than 10(ten) acres. The second bill 729, Chapter 313 was created shortly after adopting the county subdivision regulations. This bill allows an exemption for any lot that fronts a Non-State maintained pre – 1979 road. This amendment was accomplished in 1979 as an effort to allow a transition for developers to comply with the new county subdivision regulations. This local amendment has long outlived its usefulness, and should be repealed as soon as possible.

The planning commission hereby recommends that Rutherford County repeal H.B. 444 Chapter 263 to state the current language of NCGS 153A-335.

The planning commission also hereby recommends that Rutherford County repeal H.B. 729 Chapter 313.

It is the request of the Rutherford County Planning Commission that the County Commissioners concur with this recommendation by providing approval and forward to the county's Attorney for proper representation to accomplish the correct action to repeal these bills during the 2006 Session of General Legislature.

Sincerely,

Steve Wright Planning Commission Chairman

§ 153A-335. "Subdivision" defined.

For purposes of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

- (1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations;
- (2) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors; and
- (4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations. (1959, c. 1007; 1973, c. 822, s. 1; 1979, c. 611, s. 2; 2003-284, s. 29.23(b).)

INTERLOCAL AGREEMENT REGARDING GRANT FUNDING FROM THE RUTHERFORD COUNTY WATER AND SEWER FUND TO THE TOWN OF RUTHERFORDTON FOR CONSTRUCTION OF A SEWER LIFT STATION AND FORCE MAIN

	THIS AGREEMENT is entered into and effective the day of
	2006 by and between Rutherford County, hereinafter referred to as "County"
and the Town of	f Rutherfordton, hereinafter referred to as "Rutherfordton";

WITNESSETH:

WHEREAS, Rutherford County has enacted a Water and Sewer Extension Ordinance, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, and pursuant thereto has established a Water and Sewer Fund for the purpose of distributing grant and loan funding to the water and sewer providers in Rutherford County ("County") for the purpose of extending water and sewer service to unserved parts of the County as well as for the purpose of economic development and assisting commercial growth; and

WHEREAS, Rutherfordton is a municipal corporation located within Rutherford County and operates a sewage waste collection system in and around the city limits of the Town of Rutherfordton; and.

WHEREAS, the Town of Rutherfordton applied for a \$250,000 grant to be utilized by Rutherfordton toward its costs and expenses in the construction of a sewer lift station (the Cleghorn Lift Station) and force main to serve the Cleghorn community in Rutherford County as well as an extension to a new development in Polk County, with a total project cost of \$______ (a copy of the project application being attached hereto as Exhibit B and incorporated herein by reference as if fully set forth; and

WHEREAS, the Capital Planning and Financing Advisory Committee recommended the Cleghorn lift station and force main project to the Rutherford County Board of Commissioners who unanimously approved the funding of \$250,000 for the project at the Commissioner's meeting of November 1, 2004; and

WHEREAS, Rutherfordton has agreed to comply with all terms and conditions of the Water and Sewer Extension Ordinance in consideration for the grant herein referenced from the County and further agree to the terms and conditions of this interlocal agreement; and

WHEREAS, Rutherford County requires that an Interlocal Agreement be executed for each project funded under this program.

NOW, THEREFORE, in consideration of the mutual and public benefits herein deemed to exist, and pursuant to the authority granted by Article 20, Part 1 of Chapter 160A of the North Carolina General Statutes, the parties do hereby agree that:

I. Construction of System

- 1. Rutherfordton will be completely responsible for the design, installation and construction of the sewer system improvements substantially in accordance with the preliminary engineering report submitted to the County with the application for the project which is attached hereto as Exhibit B. Rutherfordton shall comply with any and all applicable requirements and responsibilities as the sewer providers delineated in the Water and Sewer Ordinance attached hereto as Exhibit A.
- Rutherfordton will be responsible for acquiring all necessary easements and/or
 rights of way required for the construction of the sewer line and improvements to
 the sewer system.
- Rutherfordton shall obtain all permits and approvals for the construction and
 operation of the sewer system improvements anticipated by this agreement and to
 construct and operate the same in compliance with all applicable laws and
 regulations.

II. Receiving Funds for the Project

1. Rutherfordton agrees that the County grant funds will be the last \$250,000 spent on the project. Rutherfordton will submit a copy of the contractor's certification and application for payment when the remaining amount needed to complete the project equals \$250,000. The County will then forward the \$250,000 to Rutherfordton within 15 calendar days of receipt of the notification stated above.

III. Ownership of System

- 1. The Town will be the sole owner of the wastewater collection system constructed pursuant to this agreement.
- 2. Rutherfordton will be responsible for any and all operation requirements and maintenance of the sewer system and improvements to the sewer system constructed pursuant to this agreement.

IV. Access Fees

- 1. The grant program requires the payment of \$750 to the County for each four inch connection (\$500 for a connection made within the first three months after engineering certification) that is made to the Cleghorn Lift Station in Rutherford County, and /or the payment of \$10,000 for each 8-inch sewer extension that would connect to the Cleghorn Lift Station in Rutherford County. There will be an initial 8-inch force main connection to the Cleghorn Lift Station in Rutherford County which will require an initial \$10,000 payment to the County. Any additional connections to the Cleghorn Lift Station in Rutherford County that occur within 20 years will require payment to the County as outlined under the terms of the 50/50 program described in the Water and Sewer Service ordinance attached hereto as Exhibit A. . Any direct private connection to the Cleghorn Lift Station in Rutherford County that occurs within 20 years will require a \$750 payment to the County.
 - 2. The Cleghorn lift station is part of a larger project that will provide sewer service to a development in Polk County. The connections to the White Oak Lift Station in Polk County are expected to occur over a 10 year period totaling approximately 1,250 connections. Recognizing that the purpose of the Rutherford

County grant program is to ensure long term viability by requiring revenue from the funded projects come back into the fund through connection fees, Rutherfordton agrees to pay the County an amount equal to ½ of the difference of the access fee as outlined under the terms of the 50/50 program of the Water and Sewer Service Ordinance attached hereto as Exhibit A. less a \$200 construction allowance for each connection that is made to the White Oak Lift Station in Polk County. The fees for various connection sizes are as follows:

Fee Due to Rutherford County

▶ 4 Inch
 ▶ 6 Inch
 ▶ 8 Inch
 \$275.00
 \$1,400.00
 \$4,900.00

Connection

Rutherfordton will pay the County the fixed dollar amounts stated above for the appropriate size connection. The Town does reserve the right to negotiate the actual tap fees charged to any customer in Polk County while insuring the County will receive the fixed dollar amounts stated above.

- 3. The repayments to Rutherford County from connections both to the Cleghorn Lift Station in Rutherford County or to the White Oak Lift Station in Polk County will continue for 20 years after the completion of the project.
- 4. Payments to the County will be made annually within 30 days following the anniversary of the final engineering certification of the completed line and pump stations from the White Oak lift station to the Town's waste water treatment plant.

under the express authority of their res	pective governin	official representatives of the parties, acting g bodies, have caused this contract to be all constitute an original. Signed
	RUTHI	ERFORD COUNTY
	By:	
ATTEST:	·	Chairman, Board of Commissioners
County Clerk		THE TOWN OF RUTHERFORDTON
	By:	
ATTEST:		Mayor
Town Clerk		

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WATER AND SEWER EXTENSION ORDINANCE Revised 3-04

County Funding of Water and Sewer Service

PURPOSE.

Rutherford County will provide funding to water and sewer providers throughout the county. A portion of a one-cent sales tax will be utilized directly or as a debt service to fund the program. The water and sewer providers in Rutherford County will have access to the funds for projects in the County

ELIGIBILITY REQUIREMENTS.

- (A) Eligible projects. Projects eligible for the various funding programs are limited to:
 - (1) Projects submitted through a non-profit water or sewer provider or through a governmental entity.
 - (2) Projects within the county.
 - (3) Projects associated with water and sewer line extensions for the purpose of offering utility service which could include but not be limited to storage or treatment facilities, but only if such storage or treatment facilities are identified as necessary to accommodate water and/or sewer needed in the county.
 - (4) Projects associated with economic development.
 - (5) Projects that address environmental needs such as the health and safety of the general public.
 - (6) Projects constructed to accommodate industrial or commercial growth.
 - (7) Projects submitted must be supported by information sufficient to allow for adequate evaluation of the project.
 - (8) Minimum amount requested per cycle must be \$25,000
 - (9) Projects limited to those that provide for system expansion
 - (10) Projects will conform with North Carolina regulations
- (B) Ineligible Projects. Projects ineligible for the various funding programs include but are not limited to:
 - (1) Projects outside of the county.

- (C) Eligible Project Cost. Project cost eligible for the various funding programs are limited to:
 - (1) The actual cost of the work described in the project application.
 - (2) Contingency costs, not to exceed 10% of the eligible construction estimate; however, upon acceptance of bid, the allowed contingency cost will be reduced to 5%. If the municipality determines upsizing of a line is necessary to accommodate future growth, then the cost figures submitted must represent the larger line size.
- (D) Ineligible Project Cost. Ineligible project cost for the revenue sharing program includes but is not limited to:
 - (1) Administrative cost.
 - (2) Recurring expenditures associated with operations and maintenance.
 - (3) Portions funded through federal, state, and local grants. Such funds will be directly deducted from the project cost.
 - (4) In-kind services rendered by either party.

APPLICATION DEADLINES.

January 15 is the application deadline for projects to be funded during the next fiscal year. Emergency projects or projects involving economic development will be considered outside of the deadline period. Projects recommended for funding will be announced in April. All project awards will be contingent upon approval from the proper funding agency.

GENERAL RESPONSIBILITIES OF THE COUNTY.

The county shall:

- (A) Review projects and respond in a timely manner to accommodate the water and sewer providers' budget schedules.
- (B) Fund eligible construction costs, in accordance with the selected program, for the project to include any or all of the following costs: engineering, legal, permitting, and line placement.
- (C) Project cost estimates are to be submitted with the application. If bids come in under the estimated project costs, the actual funds distributed by the county will be re-calculated.

GENERAL RESPONSIBILITIES OF THE WATER OR SEWER PROVIDER.

The water or sewer provider shall:

- (A) Meet all Local, State and Federal requirements regarding the operation of a Public Water or Sewer System.
- (B) Provide the county its share of the revenues received.
- (C) Develop a consistent rate structure for inside city limits and outside city limits customers. The water or sewer provider is encouraged to have a rate structure such that the average utility bill for outside city limits customers is no more than three times the average utility bill for inside city limits customers. This multiplier will be considered when reviewing future project requests.
- (D) Submit a Preliminary Engineering Report with a cost estimate for each project recommended for award.

CONTRACT TERMS.

All contracts will be in full force during the agreed term and will remain in full force during any litigation dispute concerning the contract until such time both parties or a court of law decides to the contrary.

FUNDING PROGRAMS

50/50 PROGRAM

The 50/50 Program is a program where the provider would receive a 50% grant from the County fund with a 50% match from the provider.

SPECIFIC REQUIREMENTS

- (A) Projects eligible for a loan utilizing this program must:
 - (1) Per customer cost should not exceed \$10,000

REVENUE RETURN FOR THE COUNTY

- (A) The water or sewer provider will provide revenue back to the county for a period of 20 years or the term of the loan:
 - (1) A \$750 Access Fee for a ¾" tap or 4" sewer lateral. The access fee shall be reduced to \$500 for a ¾" tap or 4" sewer lateral for the first three months after engineer certification.
 - (2) A graduated rate schedule is proposed for all connections larger than the typical service line sizes.

Water	Sewer
1" connection- \$ 2,000	6" connection- \$ 4,000
2" connection- \$ 3,000	8" connection- \$10,000
3" connection- \$ 4,000	
4" connection- \$ 5,000	
6" connection-\$ 8,000	
8" connection- \$10,000	

25/50/25 PROGRAM

Under this program, the provider would receive a 25% grant from the fund, a 50% low interest loan from the fund, with a 25% match from the provider.

SPECIFIC REQUIREMENTS.

- (A) Projects eligible for a loan utilizing this program must:
 - (1) Per customer cost should not exceed \$10,000

REVENUE RETURN FOR THE COUNTY

- (A) The water or sewer provider will provide revenue back to the county for a period of 20 years or the term of the loan in one of two ways:
 - (1) A \$500 Access Fee for a ¾" tap or 4" sewer lateral. The access fee shall be reduced to \$300 for a ¾" tap or 4" sewer lateral for the first three months after engineer certification.
 - (2) A graduated rate schedule is proposed for all connections larger than the typical service line sizes.

Water	Sewer
1" connection- \$ 2,000	6" connection- \$ 4,000
2" connection- \$ 3,000	8" connection- \$10,000
3" connection- \$ 4,000	
4" connection- \$ 5,000	
6" connection- \$ 8,000	
8" connection- \$10,000	

(3) Loan revenue from 50% project loan

LOCAL MATCH PROGRAM

This program is to be utilized for matching funds for State and Federal grants only. Under this program, the provider would receive a 75% grant from the fund and would pay the remaining 25% of the matching funds themselves.

SPECIFIC REQUIREMENTS.

- (A) Projects eligible for a loan utilizing this program must:
 - (1) Be used for matching funds for State and Federal Grants
 - (2) Be limited to \$75,000 county funds

REVENUE RETURN FOR THE COUNTY

N/A

75/25 LOAN PROGRAM

This program is utilized for those projects which would provide for system expansion but would not allow for new connections. Under this program, the provider would receive 75% loan from the fund and would pay the remaining 25% of the matching fund themselves.

SPECIFIC REQUIREMENTS.

- (A) Projects eligible for a loan utilizing this program must:
 - (1) Per customer cost should not exceed \$10,000

REVENUE RETURN FOR THE COUNTY

- (A) The water or sewer provider will provide revenue back to the county in the following way:
 - (1) Loan Revenue from 75% loan

FUNDING DISTRIBUTION

APPLICATION AWARDS

Applications will be scored and ranked by the Capital Planning and Finance Advisory Committee and then submitted to the County Commissioners for approval: Projects will be awarded based on the following criteria:

Water and Sewer

- 50% of the Available Project Funds will be allocated to each provider for (1) eligible projects based only on the number of existing connections within the county as established on January 15th of each year.
- The remaining 50% will be allocated based upon an application that (2) addresses:
 - a. Public Health Need
 - b. Economic Development
 - c. Cost per Customer Served
 - d. Compliance with the County Land Use Plan
 - e. Public Safety Need
 - f. Connection Fees
 - g. Consistency of fire fighting connections with County Requirements

Adopted this the 5th day of April, 2004.

Chairman, Board of Commissioners

ATTEST:

15